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## County of Los Angeles CHIEF EXECUTIVE OFFICE

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August 12, 2016

To: Supervisor Hilda L. Solis, Chair  
Supervisor Mark Ridley-Thomas  
Supervisor Sheila Kuehl  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: Sachi A. Hamai  
Chief Executive Officer

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### **MOTION TO SEND A FIVE-SIGNATURE LETTER TO THE COUNTY'S STATE LEGISLATIVE DELEGATION IN SUPPORT OF AB 1276 (SANTIAGO), RELATING TO THE TESTIMONY OF MINORS IN HUMAN TRAFFICKING CASES (ITEM NO. 8, AGENDA OF AUGUST 16, 2016)**

Item No. 8 on the August 16, 2016 Agenda is a motion by Supervisor Antonovich for the Los Angeles County Board of Supervisors to send a five-signature letter to the County's State legislative delegation in support of AB 1276, which would authorize a minor, 15 years of age or younger, to testify at trial out of the presence of the defendant and jury by way of closed-circuit television in human trafficking cases.

#### **AB 1276 (Santiago) - Testimony of Minors in Human Trafficking Cases**

**AB 1276 (Santiago)**, which as amended on August 2, 2016, would authorize a minor 15 years of age or younger to testify in another place and out of the presence of a judge, jury, defendants, and attorneys if the testimony involves an alleged offense of human trafficking.

Existing law authorizes a court, under specified circumstances, to allow the testimony of a minor, 13 years of age or younger, to be taken by contemporaneous examination and cross-examination in another place and out of the presence of the judge, jury, defendant(s), and attorneys, and communicated to the courtroom by closed-circuit television. AB 1276 would extend that authority by allowing a minor 15 years of age or younger to testify at trial by way of closed-circuit television in human trafficking cases.

*"To Enrich Lives Through Effective And Caring Service"*

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The Office of the District Attorney (DA) supports AB 1276, indicating that having a witness who is age 15 or younger testify about the horrific acts they suffered as a victim of human trafficking forces the child to relive the crimes, which often results in the witness being re-victimized both mentally and emotionally. The DA believes that allowing a minor to testify outside the presence of the judge, jury, and most importantly, the defendant who abused them, will result in less trauma and more effective testimony by these child-victim witnesses.

The Sheriff's Department also supports AB 1276, noting that testifying in court can be particularly traumatic for minor victims of human trafficking, who often already experience post-traumatic stress disorder, depression, and substance use disorder, in addition to physical trauma. The Sheriff's Department further notes that in recent decades, Federal and State courts and lawmakers have recognized the importance of reducing the trauma experienced by underage crime victims, leading courts to reject constitutional challenges to the use of live video testimony at trial.

The Office of the Public Defender (PD) reports that they appreciate the bill's intent; however, AB 1276's approach is an overly broad and unconstitutional encroachment upon the Sixth Amendment Confrontation Clause. The United States Constitution provides, that "... in all criminal prosecutions, the accused shall enjoy the right ... to be confronted with the witnesses against him." The PD indicates that in-person witness examination at trial is the most critical component of the U.S. justice system, as the live nature of the proceeding is essential for discerning truth.

This measure is supported by the: Alameda County District Attorney; California Catholic Conference; California Coalition for Youth; California District Attorneys Association; California Peace Officers Association; Children's Law Center of California; City of Oakland; Coalition to Abolish Slavery and Trafficking; Judicial Council of California; League of California Cities; Long Beach Police Officers Association; Los Angeles County Professional Peace Officers Association; Los Angeles County Sheriff's Department; Los Angeles District Attorney; Sacramento County Sheriff's Department; San Diego County District Attorney, among others. It is opposed by the: American Civil Liberties Union; California Attorneys for Criminal Justice; California Public Defenders Association; and Legal Services for Prisoners with Children.

AB 1276 passed the Senate Floor by a vote of 36 to 0 on August 11, 2016, and it now proceeds to the Assembly for Concurrence in Senate Amendments.

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### **Conclusion**

**Approval of this motion to send a five-signature letter in support of AB 1276 is consistent with Board-approved policy to support proposals that develop or enhance programs and services, and increase protections for victims of commercial sexual exploitation.**

We will continue to keep you advised.

SAH:JJ:MR  
OR:PC:ma

c:     Executive Office, Board of Supervisors  
       County Counsel